

EXHIBIT 1

EXHIBIT 1: CHART SUMMARIZING PLAINTIFFS' BACKUP CAPABILITY

Plaintiff Name	Does Plaintiff backup any material in any way ?	If so → is Plaintiff's backup a complete copy of the content on its website?	If so → is Plaintiff's backup a complete backup of the website on a given day?	Does Plaintiff's backup allow navigation through its entire website?	What are Plaintiff's backup and/or backup capabilities?	What are the requirements for creating and viewing a navigable backup copy of Plaintiff's website?	Is Plaintiff willing to provide Defendant with a password necessary to gain access to restricted areas of website?
A Different Light Bookstore ("ADL")	Yes	Yes	Yes	No	A CD ROM containing all the content on ADL's website.	Defendant will need a "Coldfusion" server and the same web hosting software used by ADL in order to recreate the web hosting environment necessary to navigate the entire website.	N/A
Addazi, Inc. d/b/a Condomania ("Condomania")	Yes	Yes	No	No	Condomania archives the databases underlying its dynamic website.	Defendant would need to use the backup in conjunction with the same web hosting software and server used by Condomania in order to recreate the web hosting environment necessary to navigate the entire website.	N/A
Heather Corinne Rearick	Yes	No	N/A	No	Rearick backs up most of the content on her website on DVDs. She does not have a schedule for backing up the	Rearick lacks the technical expertise to create a navigable backup copy of her websites on her own. Defendant would need to recreate the web-hosting environment used to create	Yes

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					website.	Rearick's websites in order to navigate through the entire website using any backup.	
Free Speech Media/ Public Communicators, Inc. ("FSM")	Yes	No	N/A	No	FSM backs up the code underlying its website on one DVD, and the database of content on another. The "database" DVD does not contain the approximately 1500 movies available on its website, which are not currently backed up.	FSM does not backup the movies available on its website in the ordinary course of business. FSM would need to copy the approximately 1500 videos available on its website to an external drive (or many DVDs). To view the website as it appears online, Defendant would need FSM's "code" and "database" DVDs as well as a copy of the movies available on the website. To view the movies, Defendant would have to own or purchase a Real Media server. Defendant would need to recreate the web hosting environment used to	Yes

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Nerve.com	No	N/A	N/A	No	Nerve could make a backup, but it would be very time consuming. All of the content that has ever appeared on the website is archived on the website itself.	create FSM's website to navigate through the entire website using any backup. Nerve would need to back up all of its databases and content. Defendant would need to recreate the same web hosting environment used to create Nerve's website in order to navigate the entire website using any backup.	Yes
Aaron Peckham d/b/a Urban Dictionary ("Peckham")	Yes	No	N/A	No	Peckham backs up the record of all activity on his website, emails to the website, lists of words, editing decisions and lists of advertisers.	Peckham backs up the databases underlying his website. In order to use his backed up files to recreate his web hosting environment, Defendant would need the hardware he uses, the network his machines sit on, the custom software he wrote to read his website (written in PHP, Perl, Python, SQL and	N/A

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						Java). Peckham could not recreate his website using his backup. Peckham's backups also contain content not publicly available.	
Philadelphia Gay News ("PGN")	No	N/A	N/A	No	PGN does not make navigable backup copies of its website in the ordinary course of business.	Defendant has not had trouble copying PGN's website.	N/A
Powell's Bookstore	Yes	No	N/A	No	Static parts of the site are updated several times daily. Dynamic parts of the website come from the database, which Powell's does not currently back up.	The static portions of the website are easily backed up, but the database is quite complicated and will require a great deal of work to back up. Defendant would need to recreate the web hosting environment used to create Powell's website in order to navigate the entire website using any backup.	N/A
Salon Media Group	Yes	Yes	Yes	No	Salon archives the dynamic databases underlying its	To recreate the web hosting environment used to create the Salon website,	Yes

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					website.	Defendant would need to use the backup in conjunction with the same web hosting software, web database software, web servers, and customized software used by Salon in creating its website.	
Dan Savage	No	N/A	N/A	No	Savage does not make navigable backup copies of his website in the ordinary course of business.	N/A	N/A
Sexual Health Network ("SHN")	No	N/A	N/A	No	SHN does not make navigable backup copies of its website in the ordinary course of business.	SHN would need to hire an outside consultant to backup its website. To navigate any backup, Defendant will need a server with the same version of PHP and MySQL to recreate the web hosting environment used to create SHN's website.	N/A

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Lawrence Ferlinghetti/ City Lights Bookstore	Yes	Yes	Yes	No	DVD of all content on public site, plus additional content.	Ferlinghetti must remove the non-public content from the current backup. Defendant will need a Macintosh to view the backup, as well as the same server and web hosting software to recreate the web hosting environment used to create the City Lights website.	N/A
Patricia Nell Warren/ Wildcat Press	Yes	Yes	Yes	No	The backup is located on Warren's web host's local drive.	Defendant has already copied Warren's website.	N/A